

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

ANTTWAINE M. DUNLAP,

Plaintiff,

v.

**Civil Action No. 3:06cv86
(Judge Broadwater)**

V. PURI,

Defendant.

OPINION/REPORT AND RECOMMENDATION

On August 21, 2006, the *pro se* plaintiff initiated this case by filing a civil rights complaint, a Motion to Proceed as a Pauper, and an executed Consent to Collection of Fees form. On August 22, 2006, the Clerk sent Plaintiff a deficiency notice advising Plaintiff that the Court could not process his request to proceed as a pauper until such time as the Court received a completed Prisoner Trust Account Report with attached ledger sheets. The notice also advised Plaintiff that the failure to file the completed form within 30 days could result in the dismissal of his case.

On October 26, 2006, the undersigned conducted a review of the file and discovered that Plaintiff had failed to timely file the forms requested in the deficiency notice. Therefore, the undersigned issued an Order directing Plaintiff to show cause why his case should not be dismissed for the failure to prosecute. Despite this warning, as of the date of this Order, Plaintiff has not shown cause for his failure.

Accordingly, it is hereby recommended that this case be DISMISSED without prejudice for the failure to prosecute.

Any party may file, within ten (10) days after being served with a copy of this

Recommendation, with the Clerk of the Court, written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the Honorable Honorable W. Craig Broadwater, United States District Judge. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984)..

The Clerk is directed to mail a copy of this Opinion/Report and Recommendation to the *pro se* plaintiff and counsel of record, as applicable.

DATED: November 28, 2006.

/s John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE